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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BP AMERICA INC., and ATLANTIC
RICHFIELD COMPANY,

Plaintiffs,

v.

YERINGTON PAIUTE TRIBE; LAURIE
A. THOM, in her official capacity as
Chairman of the Yerington Paiute Tribe;
YERINGTON PAIUTE TRIBAL COURT;
and SANDRA-MAE PICKENS in her
official capacity as Judge of the Yerington
Paiute Tribal Court,

Defendants.

Case No. 3:17-cv-00588-LRH-WGC

**UNOPPOSED MOTION AND ORDER FOR
EXTENSION OF TIME TO RESPOND TO
THE COMPLAINT AND TO RESPOND
AND REPLY TO INITIAL MOTIONS**

(First Request)

Pursuant to Federal Rule of Civil Procedure 6 and Local Rule IA 6-1, Plaintiffs BP America Inc. (“BPA”) and Atlantic Richfield Company (“ARC”) move to extend the time allowed under Fed. R. Civ. P. 12(b) and Local Rule 7-2 for the parties to respond to the Complaint and to file, respond to, and reply in support of certain initial motions, as set forth below.

Prior to filing this Motion, undersigned counsel conferred with counsel for the Defendants Yerington Paiute Tribe (“Tribe”), Laurie A. Thom in her official capacity as Chairman of the Yerington Paiute Tribe (“Chairman Thom”), Yerington Paiute Tribal Court (“Tribal Court”), and Sandra-Mae Pickens in her official capacity as Judge of the Yerington Paiute Tribal Court (“Judge Pickens”). Defendants do not oppose this Motion, but they expressly reserve and do not waive all arguments, including those relating to jurisdiction and sovereign immunity.

This is the first request to extend the filing deadlines for the submissions addressed herein. In support of this Motion, BPA and ARC state as follows:

Tribal Court Action

1. On August 18, 2017, the Tribe filed a related action in the Yerington Paiute Tribal Court, captioned *Yerington Paiute Tribe v. BP America Inc. & Atlantic Richfield Co.*, Case No. CV1017, against BPA and ARC (the “Tribal Court Action”).

2. On September 22, 2017, BPA and ARC filed a Motion to Dismiss for Lack of Jurisdiction or, in the alternative, a Motion to Stay Pending Resolution of the Federal Court Action (“Motion to Dismiss”) in the Tribal Court Action.

3. To allow for briefing and determination of the relevant and related jurisdictional and other issues by this court, the Tribe filed an unopposed motion in the Tribal Court action extending the time allowed (i) for the Tribe to file a response to the Motion to Dismiss until December 1, 2017, (ii) for BPA and ARC to file a reply until January 15, 2018; and (iii) for a hearing to be held by the Tribal Court on January 30, 2018.

Federal Court Action

4. On September 22, 2017, BPA and ARC filed their Complaint for Declaratory and

1 Injunctive Relief in this court, naming the Tribe, Chairman Thom, the Tribal Court, and
2 Judge Pickens as defendants. BPA and ARC simultaneously filed a Motion for Preliminary
3 Injunction and a Request for Expedited Consideration (“Preliminary Injunction Motion”).

4 5. BPA and ARC effected service of the Summons, Complaint, and Preliminary
5 Injunction Motion on all four defendants on **October 5, 2017**. See Proofs of Service (Dkt. 18-
6 21).

7 6. Under Fed. R. Civ. P. 12(a)(1)(A)(i), Defendants have until **October 26, 2017**, to
8 respond to the Complaint. Counsel for the Tribe and Chairman Thom have indicated that they
9 will file a motion to dismiss.

10 7. BPA and ARC reasonably assume that some or all of the Defendants will raise
11 related arguments in both their motion(s) to dismiss and their response(s) to the Preliminary
12 Injunction Motion. Similarly, BPA and ARC will present related counter-arguments in their
13 response and reply briefs. As a result, counsel for the parties have agreed to coordinate the
14 briefing schedule to align the responses and replies as follows.

15 8. Under Local Rule 7-2, Defendants would have until October 19, 2017, to respond
16 to the Preliminary Injunction Motion. The parties agree to extend the deadline for Defendants’
17 response(s) by eight days to **October 27, 2017**, one day after Defendants’ answer(s) or motion(s)
18 to dismiss is/are due under Rule 12.

19 9. The parties further agree to extend the deadlines for BPA’s and ARC’s reply in
20 support of the Preliminary Injunction Motion and response to Defendants’ motion(s) to dismiss
21 to **November 16, 2017**.

22 10. The parties agree to extend the deadline for Defendants to reply in support of the
23 motion(s) to dismiss to **November 30, 2017**.

24 11. BPA and ARC believe these extended and coordinated deadlines will improve
25 efficiency and convenience for the court, without significantly affecting the need for expedited
26 consideration of the substantive issues before the court.

27 WHEREFORE, BPA and ARC respectfully request that deadlines under Fed. R. Civ.
28 P. 12 and Local Rule 7-2 be extended and aligned as set forth above.

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Respectfully submitted,

DATED: October 13, 2017

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*Attorneys for Defendants BP America Inc., and
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IT IS SO ORDERED:



LARRY R. HICKS
UNITED STATES DISTRICT JUDGE

DATED this 16th day of October, 2017.